

E-Filed 9/20/11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL E. DAVIS, et al.,

No. C-10-03328 RS (DMR)

Plaintiffs,

v.

**ORDER OVERRULING OBJECTIONS
TO MAGISTRATE JUDGE'S
DETERMINATION**

ELECTRONIC ARTS INC.,

Defendant.

Defendants challenge a non-dispositive order of the assigned Magistrate Judge authorizing plaintiffs to undertake certain limited discovery to oppose defendants' pending "anti-SLAPP" motion pursuant to California Code of Civil Procedure section 425.16. In that challenged order, the Magistrate Judge sets forth a thorough analysis of applicable case authority in reaching the conclusion that in this particular action the section 425.16(g) discovery stay under state law conflicts with Rule 56(d) of the Federal Rules of Civil Procedure. The order then proceeds carefully to delineate certain relevant limited discovery propounded by plaintiffs to which defendants must respond.

Under 28 U.S.C. § 636(b)(1)(A), the determination of a Magistrate Judge on a non-dispositive matter such as a request for discovery will be overturned only in the event that it is

1 “clearly erroneous or contrary to law.” Here, defendants have made no such showing. Accordingly,
2 the defendants’ objections to that ruling are overruled and they will be required to provide responses
3 to the discovery identified by the Magistrate Judge within 20 days of the date of this order.

4
5 IT IS SO ORDERED.

6
7 Dated: 9/20/11



8
9 RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE